NOTIFICATION.

No. L.D. 1047—Legis. 87-49-5 dated, 9th February 1950 61

Ordered that the accompanying constitution (Removal of difficulties) Order No. II published in the *Gazette of India*, dated the 26th January 1950 be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. FUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

NOTIFICATIONS

New Delhi the 26th January 1950.

The following orders made by the President are published for general information :—

C. O. 5

THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER NO. II

In exercise of the powers conferred by clause (I) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order, No. II.

(2) It shall come into force at once.

2. The Constitution of India shall,—

(*a*) Until both Houses of Parliament have been duly constituted and summoned to meet for the first session under the provisions of that Constitution, have effect subject to the adaptations directed to be made therein by Part I of the Schedule to this Order ;

(*b*) Until the House or Houses of the Legislature of a State specified in Part A or Part B of the First Schedule to

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that Constitution has or have been duly constituted and summoned to meet for the first session under the provisions of the said Constitution, have effect in relation to that State subject the adaptations directed to be made therein by Part II of the Schedule to this Order.

3. Where the Schedule to this Order requires that in any specified provision certain words shall be substituted for other words or that certain words shall be omitted, that substitution or omission, as the case may be, shall, unless otherwise expressly provided, be made wherever the words referred to appear in that provision.

THE SCHEDULE

Article.	Adaptations.
	PART I
3	In the proviso, omit "either House of".
54	In this article, before "The President shall be elected" insert "Subject to the provisions of article 380,".
55	In clause (1), after "election of the President" insert "**under article 54**". In clause (3), after "election of the President" insert "under article 54".
56	For this article, substitute :— "56. (1) The President may, by writing under his hand addressed to the Speaker of Parliament, resign his office. Resignation by, or removal of, President. (2) The President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in article 61".
58	In sub-clause (c) of clause (1), after "qualified for election" insert "in the case of an election under clause (2) of article 380, as a member of Parliament and in the case of an election under article 54,".
59	In clause (1), omit "either House of", and for "that House substitute "Parliament or that House, as the case may be".
61	In clause (1), omit "either House of". In clause (2), for "the House" substitute "Parliament". In clause (3), for "by either House of Parliament, the other House" substitute "Parliament". In clause (4), for "the House by which the charge was investigated or caused to be investigated" substitute Parliament".
62	Omit.
63	To this article add "to be elected in the manner provided in article 66 after both Houses of Parliament have been duly constituted under the provisions of this Constitution".

Article.	Adaptations.
64—65	Omit.
67—69	Omit.
70	For "Chapter" substitute "Constitution".
71	Omit " or Vice-President ".
	In clause (2), omit, " as the case may be, ".
75	In clause (3), for "the House of the People" substitute " Parliament ".
	In clause (5), omit " either House of ".
79	Before " There shall be a Parliament for the Union " insert " Subject to the provisions of Article 379, " .
85	In clause (1), omit "The Houses of " and for " their " substitute "its ".
	In clause (2), for "the Houses " substitute " Parliament " and for " either House " substitute "the Houses or either House of Parliament, as the case may be,", and omit sub-clause (c).
86	In clause (1), omit "either House of" and " or both Houses assembled together, ".
	In clause (2), omit "either House of " and for " a House to which any message is so sent " substitute " Parliament ".
87	In clause (1), omit " both Houses of " and " assembled together."
	In clause (2), for " either House " and " the House " substitute " Parliament."
88	For "either House, any joint sitting of the Houses, and any committee of Parliament " substitute " Parliament and any committee thereof ".
89—92	Omit.
93	For this article, substitute :—
	"93. So often as the office of Speaker or Deputy Speaker of Parliament becomes vacant, Parliament shall choose a member thereof to be its Speaker or Deputy Speaker, as the case may be."
	The Speaker and Deputy Speaker of Parliament.
94	For " the House of the People " substitute " Parliament " .
	In clause (c), " for members of the House " substitute " members of Parliament ".
	Omit the second proviso.
95	For " the House of the People " substitute " Parliament " .
	In clause (2), for " the House " substitute " Parliament " .
96	For " the House of the People " substitute " Parliament " .
	In clause (2), for " in the House " substitute " in Parliament ".
97	Omit " to the Chairman and the Deputy Chairman of the Council of States, and " , and for " the House of the People " substitute " Parliament " .
98	In clause (1), omit " Each House of " and the proviso.
	In clause (2), omit " either House of " .
	In clause (3), for " the House of the People or the Chairman of the Council of States, as the case may be, " and for "the House of the People or the Council of States" substitute "Parliament " .
99	Omit " either House of ".

Article.	Adaptations.
100	In clause (1), for "either House or joint sitting of the Houses" substitute "Parliament", and omit "Chairman or". In clause (2), omit "Either House of". In clause (3), omit "either House of" and for "of the House" substitute "thereof". In clause (4), for "a House" and "the House" substitute "Parliament".
101	In clause (3), omit "either House of" and in sub-clause (b) for "the Chairman or the Speaker, as the case may be" substitute "the Speaker". In clause (4), omit "either House of" and for "the House" substitute "Parliament".
102—104	Omit "either House of".
105	In clause (2), omit "either House of". In clause (3), omit "each House of" and for "committees of each House" substitute "committees thereof". In clause (4), omit "a House of".
106	Omit "either House of".
107	For this article, substitute:— "107. A Bill pending in Parliament shall not lapse by reason of the prorogation of Parliament". (Provision as to pending Bills.)
108—109	Omit.
110	For "the House of the People" substitute Parliament". In clause (4), omit "when it is transmitted to the Council of States under article 109, and".
111	Omit "the Houses of", for "the Houses" substitute "Parliament" and for "they will reconsider" substitute "Parliament will reconsider".
112	In clause (1), omit "both the Houses of". In clause (3), for sub-clause (b) substitute:— "(b) the salaries and allowances of the Speaker and the Deputy Speaker of Parliament;".
113	In clause (1), omit "either House of". In clause (2), for "the House of the People" substitute "Parliament".
114	In clause (1), for "the House of the People" substitute "parliament". In clause (2), omit "either House of".
115	In clause (1), omit "both the Houses of", and for "the House of the people" substitute "Parliament".
116	In clause (1), for "the House of the People" substitute "Parliament".
117	In clause (1), omit "and a Bill making such provision shall not be introduced in the Council of States". In clause (3), omit "either House of", and for "that House" substitute "Parliament".
118	In clause (1), omit "Each House of". In clause (2), for "the Chairman of the Council of States or the Speaker of the House of the People, as the case may be"

Article.	Adaptations
	substitute "the Speaker of Parliament".
	Omit clauses (3) and (4).
119	Omit "each House of" and "a House of".
120	In clause (1), for "the Chairman of the Council of States or Speaker of the House of the People" substitute "the Speaker of Parliament" and omit, "as the case may be,".
123	In clause (1), for "both Houses of Parliament are in session" substitute "Parliament is in session".
	In clause (2), omit "both Houses of", and for "resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions" substitute "a resolution disapproving it is passed by Parliament, upon the passing of that resolution", and omit the *Explanation*.
124	In clause (4), omit "each House of", and for "that House" substitute "Parliament".
151	In clause (1), omit "each House of".
158	In clause (1), omit "either House of" and for "that House" substitute "Parliament or that House, as the case may be,".
249	Omit.
251	For "articles 249 and 250" substitute "article 250" and for "either of the said articles" substitute "the said article".
252	In clause (1), for "articles 249 and 250" substitute "article 250"
274	In clause (1), omit "either House of".
281	Omit "each House of".
312	In clause (1), omit "if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest so to do,".
320	In clause ( ), for "each House of Parliament" and "both Houses of Parliament" substitute "Parliament".
323	In clause (1), omit "each House of".
329A (new)	In Part XV, after article 329, insert :—
	"329A. The provisions of article 325 shall not apply in relation to the Legislatures of States functioning under article 382 or article 385 and the provisions of article 326 and clause (*b*) of article 329 shall not apply in relation to the provisional Parliament functioning under article 379 and such Legislatures of States".
	Certain provisions of this Part not to apply to provisional Parliament and provisional Legislatures.
338	In clause (2), omit "each House of."
340	In clause (3), omit "each House of."
348	In sub-clause (*b*) of clause (1), for "either House of Parliament" substitute "Parliament".
352	In clause (2), omit "each House of", for "resolutions of both Houses" substitute "a resolution" and omit the proviso.
354	In clause (2), omit "each House of".

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Article.	Adaptations.
356	In clause (3), omit "each House of", for "resolutions of both Houses" substitute "a resolution" and omit the proviso. In clause (4), for "second of the resolutions" substitute "resolution", in the first proviso omit "both houses of", and omit the second proviso.
357	In clause (1), for "the House of the People" substitute "Parliament".
359	In clause (3), omit "each House of".
361	In clause (1), omit "either House of".
368	Omit "either House of" and "in each House"; and for "that House" substitute "Parliament".
Second Schedule	In paragraph 7, for "the House of the People" substitute "Parliament", omit "and the Chairman of the Council of States" and "and to the Deputy Chairman of the Council of States" and for "salaries" substitute "salary".
Third Schedule	In Form III, for "the Council of States (or the House of the People)" substitute "Parliament/the Council of States (or the House of the People)".
Seventh Schedule	In List I— For entry 73, substitute :— "73. Salaries and allowances of the Speaker, the Deputy Speaker and members of Parliament,". In entry 74, for "each House of Parliament" and "each House" substitute "Parliament".

PART II.

168	In clause (1), for "For every State there shall" substitute "Subject to the provisions of article 382, there shall for every State".
172A (new)	After article 172, insert :— "172A. The provisions of articles 169 to 172 (both inclusive) shall not apply to the House or Houses of the Legislature of any State functioning under Article 382." Certain provisions not to apply to provisional legislatures of States.
174	In clause (2) omit sub-clause (*c*).
178	For this article, substitute :— "178. So often as the office of Speaker or Deputy Speaker of the Legislative Assembly of a State becomes vacant, the Assembly shall choose a member thereof to be its Speaker or Deputy Speaker, as the case may be." The Speaker and Deputy Speaker of the Legislative Assembly.
179	Omit the second proviso.
182	For this article substitute :— "182. So often as the office of Chairman or Deputy Chairman of the Legislative Council of a State becomes vacant, the Council shall choose a member thereof to be its Chairman or Deputy Chairman, as the case may be". The Chairman and Deputy Chairman of the Legislative Council.

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Article	Adaptations
238	For clause (6) substitute:— "(6) In article 164— (i) for the proviso to clause (1), the following proviso shall be substituted, namely:— 'Provided that in the State of Madhya Bharat there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled castes and backward classes or any other work.'; (ii) the following clause shall be added at the end, namely:— '(6) The provisions of clauses (3) and (4) shall not apply in relation to a State having no House of the Legislature'." In clause (7), for "For every State there shall" substitute "Subject to the provisions of article 385, there shall for every State". After clause (7), insert:— "(7*a*) In article 172A, for the word and figure 'article 382' the word and figure 'article 385' shall be substituted." After clause (11), insert:— "(11A) After article 212, the following shall be inserted, namely:— '*Special provisions for certain States.* 212A. (1) The provisions of articles 174 to 189 (both inclusive) 193 to 199 (both inclusive), the first proviso to article 200, the proviso to article 201, clauses (1) and (2) and sub-clause (*b*) of clause (3) of article 202 and articles 203 to 212 (both inclusive) shall not apply to any State which has no House of the Legislature but clauses (2) and (3) shall apply in relation to such States in place of the said provisions. Certain provisions not to apply to States having no House of the Legislature. (2) The Rajpramukh or other authority exercising the legislative powers in any such State as aforesaid under article 385 shall prepare such Bills as may be deemed necessary, and the Rajpramukh shall declare as respects any Bill so prepared either that he assents to the Bill or that he withholds assent therefrom or that he reserves it for the consideration of the President. (3) Any expenditure from the Consolidated Fund of any such State incurred after the 31st day of March, 1950, whether expenditure charged by this Constitution on such Fund or not, shall be deemed to have been duly authorised if it is included in an Appropriation Act made under clause (2) providing for the appropriation out of the Consolidated Fund of the State of all moneys required to meet such expenditure. (4) Any reference in this Constitution to Acts or laws of, or made by the Legislature of a State shall be construed as including a reference to Acts made under this article.' (11B) To article 213, the following clause shall be added namely:— '(4) The provisions of this article shall not apply in relation to a State having no House of the Legislature.'"

Article.	Adaptations
238A (new)	In Part VII, after article 238, insert :— "238A. Any provisions of this constitution which relate to the laying of any regulation, report or other paper before the Legislature of a State specified in Part B of the First Schedule shall not apply in relation to any such State having no House of the Legislature." (Certain provisions not to apply to States having no House of the Legislature.)
367	In clause (2), add at the end— "or by law made under article 212A".
333A (new)	After article 333, insert :— "333A. The provisions of articles 332 and 333 shall not apply in relation to the Legislatures of States functioning under article 382 or article 385." (Certain provisions not to apply to provisional Legislatures of States.)

RAJENDRA PRASAD,

President.